

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATHEW JAMES MIGHELL,

Plaintiff,

v.

CITY OF EDMONDS, et al.,

Defendants.

CASE NO. C14-0285-RSM-MAT

ORDER DENYING MOTION TO
APPOINT COUNSEL

This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiff submitted his civil rights complaint to the Court for filing on February 27, 2014. (Dkt. 1.) On April 1, 2014, plaintiff filed a Motion to Appoint Counsel. (Dkt. 12.) The Court, having reviewed plaintiff's motion, and the balance of the record, hereby finds and ORDERS as follows:

(1) Plaintiff's motion to appoint counsel (Dkt. 12) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v.*

1 *Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an
2 evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
3 articulate his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789
4 F.2d at 1331.

5 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in
6 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.
7 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which
8 warrant appointment of counsel at the present time.

9 (2) The Clerk is directed to send a copy of this Order to plaintiff and to the Honorable
10 Ricardo S. Martinez.

11 Dated this 3rd day of April, 2014.

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14 Mary Alice Theiler
15 Chief United States Magistrate Judge
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